S.B.CIVIL WRIT PETITION NO.2390/1993
MUKNA RAM & ANR. v. THE COLLECTOR, BIKANER & ORS.

DATE OF ORDER : 7th FEBRUARY, 2005

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Kailash Joshi, for the petitioners.
Mr. S.N.Tiwari, Dy.G.A.
Mr. Vijay Bishnoi, for the respondents.

....

By this petition for writ a challenge is given to the judgment dated 29.12.1992 passed by Collector, Bikaner exercising powers under Section 27(A) of the Rajasthan Panchayat Act, 1959 (hereinafter referred to as "the Act of 1959") whereby Collector, Bikaner while accepting the revision petition preferred by Smt.Sugani Devi (respondent No.2) cancelled the pattas issued in favour of the petitioners by Gram Panchayat, Ramsar, Tehsil and District Bikaner.

The contention of the counsel for the petitioners is that the order impugned dated 29.12.1992 is a non-speaking and unreasoned order and the same does not disclose application of mind by the authority who passed the order impugned. According to counsel for the petitioners the petitioners before the Collector, Bikaner asserted that they were in possession of the land from number of years and the land in question was in their own khatedari. The Tehsildar as well as the Assistant Settlement Officer also found the land in question as their khatedari land. It was also emphasised that the revision petition preferred under Section 27(A) of the Act of 1959 was not a bonafide petition as the entire record of the

panchayat remained in possession of the sons of respondent No.2 Smt.Sugani Devi who remained Sarpanch of the Gram Panchayat Ramsar during the period commencing from 1982 to 1992. The Collector Bikaner while deciding the revision petition has not taken into consideration all the above facts while deciding the revision petition.

No reply to the writ petition has been filed on behalf of any of the respondents.

I have heard counsel for the parties and also perused the order impugned dated 29.12.1992.

By the order dated 29.12.1992 the Collector Bikaner held that former Sarpanch Dhuraram issued pattas in favour of his family members which are not in accordance with law. The Collector Bikaner while accepting revision petition on the count above has not given any reason as to what was the breach of law making the pattas illegal. It is also apparent that the Collector while considering the revision petition noted down the contentions raised by both the parties but has not dealt with and no finding has been given on those contentions. The Collector Bikaner while adjudicating a revision petition under Section 27(A) of the Act of 1959 exercises quasi judicial powers and, therefore, is expected to give sufficient reasons for the findings arrived. He is also required to deal with the contentions raised by the parties. As I stated above, no such reasons are available in the order

impugned datged 29.12.1992, therefore, the same deserves to be quashed.

The writ petition, therefore, succeeds. The order impugned dated 29.12.1992 is quashed. The Collector Bikaner is directed to decide the revision petition bearing No.2/92, Smt.Sugani Devi v. Shri Muknaram & Ors., afresh in accordance with law. The Collector Bikaner while deciding the revision petition will consider all the objections raised by the parties and pass a speaking and reasoned order.

No order as to cost.

(GOVIND MATHUR),J.

KKM/PS.